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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 Bryan Michael Fergason,

13 Petitioner,

14 v.

15 Calvin Johnson, et al.,

16 Respondents.

Case No. 2:19-cv-00946-GMN-BNW

**Unopposed motion for extension of time in which to file an opposition to the State's motion to dismiss**

**(Third request)**

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18 Bryan Fergason respectfully moves this Court for an extension of time of seven  
19 (7) days, from August 12, 2021, to and including August 19, 2021, in which to file an  
20 opposition to the State's motion to dismiss.  
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## ARGUMENT

The State has filed a motion to dismiss Mr. Fergason's second amended petition. ECF No. 42. The opposition to the motion to dismiss is currently due August 12, 2021.

Counsel respectfully suggests an additional one-week extension is necessary to properly prepare the opposition. Counsel has prepared a complete draft of the opposition and was planning to file it by the August 12 deadline. Counsel has also prepared various relevant exhibits from certain related court cases. Ground One raises a Fourth Amendment issue that Mr. Fergason and a co-defendant litigated at various times in more than one court case. Counsel intends to file relevant exhibits from the litigation in the other court cases. During the process of finalizing the opposition, counsel identified yet another potentially relevant set of documents from yet another related case. Counsel was previously unaware of those other proceedings. Counsel anticipates the process of retrieving and preparing those exhibits and editing the opposition accordingly will take less than a week. He therefore requests an additional one-week extension to finalize and file the opposition.

Counsel has had many additional professional obligations in the past couple months and has many additional professional obligations in the next two months. However, because those competing obligations aren't a material factor regarding this extension request, counsel isn't listing them out here.

On August 12, 2021, counsel contacted Deputy Attorney General Sheryl Serreze and informed her of this extension request. As a matter of professional courtesy, Ms. Serreze had no objection to the request. Ms. Serreze's lack of objection shouldn't be considered a waiver of any procedural defenses or statute of limitations challenges or construed as agreeing with the accuracy of the representations in this motion.

In sum, counsel requests an additional seven (7) days, up to and including August 19, 2021, in which to file the opposition. This is counsel's third request for an extension of time to file the opposition. This motion isn't filed for the purposes of delay, but in the interests of justice, as well as in Mr. Fergason's interest. Counsel respectfully asks the Court to grant the requested extension.

Dated August 12, 2021.

Respectfully submitted,

Rene L. Valladares  
Federal Public Defender

/s/ *Jeremy C. Baron*  
Jeremy C. Baron  
Assistant Federal Public Defender

## **IT IS SO ORDERED.**

Dated this 12 day of August, 2021.

Gloria M. Navarro, District Judge  
UNITED STATES DISTRICT COURT